

E-filed 1/5/06

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

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11 MICROSOFT CORPORATION, a Washington
corporation,

12 Plaintiff,

13 v.

14 SUNCREST ENTERPRISE, a California
corporation; and YI-LING CHEN, an individual
15 a/k/a EILEEN CHEN,

16 Defendants.

CASE NO. 03-CV-5424-JF/HRL

STIPULATION TO CONTINUE PRE-
TRIAL AND TRIAL DATES;
[PROPOSED] ORDER

17
18 SUNCREST ENTERPRISE, INC., a California
corporation,

19 Third Party Claimant,

20 v.

21 M-PLUS INTERNATIONAL TECHNOLOGY,
INC., a California corporation; SIMON PL YU,
22 an individual; and AILEEN Y. JIN, an
23 individual,

24 Cross-Defendants.

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STIPULATION TO CONTINUE PRETRIAL AND TRIAL DATES
CASE NO. 03-CV-5424-JF/

1 The parties, by and through their attorneys of record, request that the Court accept the
2 parties' Stipulation to Continue the Pre-Trial and Trial Dates in this matter.

3 On December 16, 2005, the Court referred Microsoft, Defendants and Cross Defendants
4 M-Plus International Technology, Inc., Simon Yu, and Aileen Jin (collectively, "Cross
5 Defendants") to mediation before Magistrate Judge Lloyd. The parties are in the process of
6 scheduling the mediation to take place during the last week of January 2006, which are Magistrate
7 Judge Lloyd's first available dates for mediation. The parties request a continuance to allow them
8 to participate in the mediation without incurring additional attorneys' fees and costs associated
9 with motions and pre-trial preparation.

10 The parties hereby request the Court continue the existing dates as follows:

	<u>Current Dates:</u>	<u>Proposed Dates:</u>
12 Motion Hearing Cut-off:	February 10, 2006	March 17, 2006
14 Pre-Trial Conference	March 3, 2006	April 7, 2006
15 Trial	March 17, 2006	April 21, 2006

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18 **IT IS SO STIPULATED:**

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20 DATED: December 18, 2005


PERKINS COIE LLP

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22 By: 

Katherine M. Dugdale
Attorneys for Plaintiff
MICROSOFT CORPORATION

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27 DATED: December __, 2005

GORMAN & MILLER, P.C.

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By: 
John C. Gorman
Attorneys for Defendants
SUNCREST ENTERPRISE and YI-LING
CHEN a/k/a EILEEN CHEN

6 DATED: December __, 2005

SHAWN T. LEUTHOLD

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By: _____
Shawn T. Leuthold
Attorneys for Cross-Defendants
M-PLUS INTERNATIONAL
TECHNOLOGY, INC., SIMON PL YU, and
AILEEN Y. JIN

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

	<u>Previous Dates:</u>	<u>New Dates:</u>
14		
15		
16 Motion Hearing Cut-off:	February 10, 2006	March 17, 2006
17 Pre-Trial Conference	March 3, 2006	April 7, 2006
18 Trial	March 17, 2006	April 21, 2006


19 January 5, 2006
20 Dated: December __, 2005

/s/electronic signature authorized
HON. JEREMY FOGEL
United States District Judge

By: _____
John C. Gorman
Attorneys for Defendants
SUNCREST ENTERPRISE and YI-LING
CHEN a/k/a EILEEN CHEN

DATED: December 27, 2005

SHAWN T. LEUTHOLD

By: 
Shawn T. Leuthold
Attorneys for Cross-Defendants
M-PLUS INTERNATIONAL
TECHNOLOGY, INC., SIMON PL YU, and
AILEEN Y. JIN

PURSUANT TO STIPULATION, IT IS SO ORDERED.

	<u>Previous Dates:</u>	<u>New Dates:</u>
Motion Hearing Cut-off:	February 10, 2006	March 17, 2006
Pre-Trial Conference	March 3, 2006	April 7, 2006
Trial	March 17, 2006	April 21, 2006

Dated: December ____, 2005

HON. JEREMY FOGEL
United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1620 26th Street, Sixth Floor, Santa Monica, California 90404.

On December 27, 2005, I served a true copy of **STIPULATION TO CONTINUE PRETRIAL AND TRIAL DATES; [PROPOSED] ORDER** on the interested parties in this action by placing said document enclosed in a sealed envelope (for collection and mailing, with postage thereon fully prepaid, on the same date, following ordinary business practices) in an internal collection basket, addressed as follows:

John C. Gorman
Craig Alan Hansen
GORMAN & MILLER, P.C.
210 North Fourth Street, Suite 200
San Jose, CA 95112
Telephone: (408) 297-2222
Facsimile: (408) 297-2224

Attorneys for Defendant/Cross-Claimant SUNCREST ENTERPRISE, INC. and Defendant YI-LING CHEN

Shawn T. Leuthold
Law Office of Shawn T. Leuthold
1671 The Alameda, Suite 309
San Jose, CA 95126
Telephone: (408) 924-0132
Facsimile: (408) 924-0134

Attorneys for Cross-Defendants SIMON P. YU, AILEEN Y. JIN and M-PLUS INTERNATIONAL TECHNOLOGY (dba Microplus International Technology)

☒ **BY MAIL)** I am readily familiar with this business's practices concerning collection and processing of correspondence for mailing with the United States Postal Service, and declare that correspondence is deposited with the United States Postal Service on the same day it is internally collected at Perkins Coie LLP in the ordinary course of business.

☐ **(BY HAND DELIVERY)** I caused each envelope to be delivered by hand to the offices listed above..

☐ **(BY OVERNIGHT)** I caused each envelope, with postage fully prepaid, to be sent by DHL Express.

☐ **(BY E-MAIL)** I served a true copy of on the interested parties in this action by email, addressed as follows:

1 ☐ **(BY FACSIMILE/TELECOPY)** I caused each document *as a courtesy copy* to be
sent by Automatic Facsimile/Telecopier to the number(s) indicated above.

2 ☐ **(STATE)** I declare under penalty of perjury under the laws of the State of
3 California that the above is true and correct.

4 ☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of
this court at whose direction the service was made.

5 Executed on December 27, 2005, at Santa Monica, California.

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9 SANAYE KUMAGAI